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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,113	08/09/2000	Aolf Proidl	PHO 99.536	5961

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER
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DUGGINS, ALICIA M

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/635,113	PROIDL, AOLF	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alicia M Duggins	2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☒ Claim(s) 9-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 1-8 are allowed. The following is an examiner's statement of reasons for allowance: The present invention is directed to a reproducing device for the reproduction of reproduction data recorded on a magnetic tape. Each independent claim identifies the unique feature of automatically adjusting from one trick play speed to the next when the first trick play speed is not detected. The closest prior art Rijckaert (US6222981) discloses a reproduction device with various reproduction speeds, but does not disclose the automatic switching to another speed when one is not detected.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9,10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Heitmann (US5047872).

Regarding claim 9, Heitmann shows a playback device in fig.3 with a first playback speed shown as a normal speed and first and second playback speeds shown as off normal speeds where an off-normal speed can be adjusted by an adjusting element (57) therefore enabling the off-normal speed to be a multitude of speeds (col.5 ll.47-52). A controller to automatically adjust the playback device from a second to third playback speed is shown as a switchover unit (42) whereby when there is a high error rate in one of the off normal speeds, the switchover unit enables an automatic switching to another speed (col.5 ll.39-52)

Regarding claim 10, Heitmann shows a magnetic tape (1) in fig.1 (col.3 ll.30-34)

Regarding claim 13, a controller that determines whether valid reproduction information is rendered at the second playback speed based on detection of a speed code being reproduced from the play back speed is shown as a switchover unit (42) whereby when there is a high error rate in one of the off normal speeds, the switchover unit enables an automatic switching to another speed. The error rate can be used to make a determination of the speed code since the level of the error rate corresponds to a speed of the playback device (col.5 ll.33-38).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Heitmann (US5047872).

Although Heitmann does not specifically show that the third playback speed is twelve times the first playback speed, he does show that the third playback speed is adjustable. Therefore it would have been obvious to one of ordinary skill in the art to adjust the third playback speed to twelve times the first speed depending on routine design consideration in the system regarding how much faster one desires to go.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Heitmann in view of Higurashi(US6031679). Although Heitmann teaches a reproducing device with a magnetic tape having a normal play speed, he does not specify a value for the normal play speed. A reproducing device with a normal play speed of 16.67mm/s is shown in Higurashi (col.13 ll.61-67). It would have been obvious to one of skill in the art to specify the value of the normal play speed of magnetic tape through a reproduction apparatus since this value is a standard in the recording art.

### **Conclusion**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M Duggins whose telephone number is (703) 305-5621. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMD  
1/5/05



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